



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/746,159

12/22/2000

George Beshara Bendak

AMCC4500

2329

7590

06/29/2005

Terrance A. Meador
INCAPLAW
1050 Rosecran Street
Suite K
San Diego, CA 92106

EXAMINER

KADING, JOSHUA A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,159

Applicant(s)

BENDAK ET AL

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18, 20-26, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-26, 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 11-14 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 10, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,557,031 B1, Mimura et al. (Mimura).

Regarding claim 1, Mimura discloses, "a method for translating multidimensional digital frame structures, the method comprising:

receiving a frame with overhead bytes organized in a first system (*col. 14, lines 60-62*);

determining a destination node (*col. 9, lines 67-col. 10, lines 1-3*);

determining a source node from which the frame is received (*col. 9, lines 67-col. 10, lines 1-3*);

comparing a first overhead byte organization associated with the source node to a second overhead byte organization associated with the destination node (*col. 15, lines 17-23 where the TS header (second organization) is constructed using information from*

the IP header (first organization) and thusly the two organizations must be compared to appropriately translate from the first organization to the second organization);

accessing translation parameters by creating translation parameters in response to comparing the first and second overhead byte organizations (col. 15, lines 17-23 where the LUT is used to store various parameters used in translation between the headers); and

translating the frame in response to the accessed translation parameters so that the overhead bytes are organized in a second system (col. 15, lines 17-23)."

Regarding claim 2, Mimura discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving an overhead byte in a first location (col. 14, lines 60-62); and wherein translating the frame so that the overhead bytes are organized in a second system includes relocating the overhead byte to a second location (col. 15, lines 17-23 and figure 17)."

Regarding claim 3, Mimura discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving an overhead byte having a first value (col. 14, lines 60-62); and wherein translating the frame so that the overhead bytes are organized in a second system includes replacing the overhead byte with a second value (col. 15, lines 17-23 whereby creating the TS header, the overhead bytes have been given a new, second value)."

Regarding claim 4, Mimura discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving a first overhead byte (*col. 14, lines 60-62*); and wherein translating the frame so that the overhead bytes are organized in a second system includes adding a second overhead byte (*figure 10, whereby translating the overhead bytes into the second system has added a second overhead byte by way of the new TS header*)."

Regarding claim 5, Mimura discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving a first overhead byte (*col. 14, lines 60-62*); and wherein translating the frame so that the overhead bytes are organized in a second system includes removing the first overhead byte (*col. 15, lines 17-23 whereby translating the overhead bytes, the first overhead byte is removed to use in creating the new overhead byte*)."

Regarding claim 6, Mimura discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving a first byte in a first location (*col. 14, lines 60-62*); and wherein translating the frame so that the overhead bytes are organized in a second system includes replacing the first byte with a second byte, and locating the second byte in a second location, different than the first location (*col. 15, lines 17-23 and figure 17 where the new location is created with the creation of the new overhead byte*)."

Regarding claim 7, Mimura discloses, "wherein the overhead bytes are selected from the group of overhead byte functions including frame synchronization bytes (*figure 14, 133*)..."

Regarding claim 10, Mimura discloses, "transmitting the frame with overhead bytes organized in the second system to the destination node (*figure 16, element 326 acts to transmit the newly translated frames*)."

Regarding claim 15, Mimura discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving a first frame synchronization byte (*col. 14, lines 60-62*); and wherein translating the frame so that the overhead bytes are organized in a second system includes dropping the first frame synchronization byte (*figure 15 where the TS packet has the synch byte as in figure 14, and the IP packet does not*)."

Regarding claim 16, Mimura discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving a first frame synchronization byte (*col. 14, lines 60-62*); and wherein translating the frame so that the overhead bytes are organized in a second system includes adding a second frame synchronization byte (*figure 14 where the adaptation field can be considered a synch byte as read in col. 2, lines 21-24*)."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al. in view of U.S. Patent 6,141,788, Rosenberg et al. (Rosenberg).

Regarding claim 17, Mimura lacks what Rosenberg discloses, "wherein receiving a frame with overhead bytes organized in a first system includes receiving a frame with a forward error correction bytes in an active parity section (*col. 2, lines 28-31 and 35-40 where although the FEC packet is its own packet entity, separate from the media packet, it still contains overhead bytes organized in a first system*); and wherein translating the frame so that the overhead bytes are organized in a second system includes ignoring the forward error correction bytes so that parity section is not active (*col. 2, lines 40-44 where the FEC packet can be ignored and thus the section is not active*).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the ignoring of the FEC bytes for the purpose of allowing different types of nodes to be present in the system even if they are not FEC-capable. The motivation for doing so would be to allow for many different types of receivers to communicate with one another.

Allowable Subject Matter

Art Unit: 2661

5. Claims 20-26, 29, and 30 are allowed as indicated below.
6. Claims 11-14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments, see REMARKS, page 9, section addressing *Claims 1-7, 10-18, and 25-26*, filed 28 January 2005, with respect to the rejections of claims 1-7, 10-18, and 25-26 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection for claims 1-7, 10, 15, 16, and 17 is made in view of a further reading of the prior art of record.

8. Applicant's arguments, see REMARKS, page 11, lines 9-14, filed 28 January 2005, with respect to the rejection of claim 20 have been fully considered and are persuasive. The 35 U.S.C. 103 rejection of claim 20 has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

Art Unit: 2661

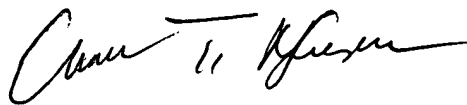
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

June 23, 2005



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600